

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

**JANE DOES 1-9,**

**Plaintiffs,**

**VS.**

**COLLINS MURPHY, LIMESTONE COLLEGE, MG FREESITES, LTD., d/b/a PORNHUB.COM and HAMMY MEDIA LTD. d/b/a XHAMSTER.COM,**

**Defendants.**

**Case No: 7:20-cv-00947-TMC**

**LIMESTONE UNIVERSITY'S  
PARTIAL MOTION TO DISMISS  
PLAINTIFFS' FOURTH AMENDED  
COMPLAINT**

**(Jury Trial Demanded)**

**NOW COMES LIMESTONE UNIVERSITY** (incorrectly identified as “Limestone College” and hereinafter referred to as “Limestone”), a Defendant to the above-captioned action, and moves this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing this action in part. Specifically, Limestone respectfully requests that the First, Second, Third, and Fourth Causes of Action in Plaintiffs’ Fourth Amended Complaint (ECF No. 99) be dismissed as to Defendant Limestone.

Pursuant to Local Rule 7.04, this motion is supported by a memorandum arguing that four of Plaintiffs' six causes of action against Limestone fail to state a claim upon which relief can be granted. As to Limestone, Plaintiffs causes of action One, Two, Three, and Four are based upon *respondeat superior* for the alleged actions of a former employee, Defendant Collins Murphy. However, Plaintiffs fail to allege that Collins Murphy was acting in the course and scope of his employment when he allegedly committed his tortious actions. Furthermore, parts of the tortious actions, as alleged in causes of action One-Four, occurred five years after Collins

Murphy's employment with Limestone terminated and thus Limestone cannot be vicariously responsible.

Limestone is not moving to dismiss Causes of Action Five and Six against it, which are based on a different theory of liability. Therefore, this is only a partial motion to dismiss as to Limestone. While a defendant typically does not file an answer until a motion to dismiss is decided, in an abundance of caution Limestone is filing an Answer to Plaintiffs' Fourth Amended Complaint responding to the remaining causes of action.

On these grounds and as set out more fully in the supporting memorandum, Limestone respectfully requests this Court partially dismiss the action with prejudice.

A certificate of compliance under Local Rule 7.02 is not provided, as is not required per subsection (A).

This 10<sup>th</sup> day of February, 2021.

**RAHIMI, HUGHES & PADGETT, LLC**

/s/ JOSEPH Y. RAHIMI II

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**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing **LIMESTONE UNIVERSITY'S PARTIAL MOTION TO DISMISS PLAINTIFFS' FOURTH AMENDED COMPLAINT** has been served on counsel for all parties by placing same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereon and/or via electronic mail to all other counsel of record to ensure delivery to:

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This 10<sup>th</sup> day of February, 2021.

**RAHIMI, HUGHES & PADGETT, LLC**

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